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PATENT APPLICATION
Docket: 17657.26a

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
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Dear Commissioner:

In response to the Notification of Non-Compliant Appeal Brief dated July 27, 2010 (the “Notification”), the Applicant hereby files this paper that includes a corrected section of the non-compliant appeal brief of July 15, 2010.

The Notification noted that “The Summary of Claimed Subject Matter does not map independent claim 25 to the specification. An entirely new brief is not necessary, only the defective section must be filed.” Accordingly, this paper includes a new section, entitled “Summary of Invention” in this paper and the non-compliant appeal brief of July 15, 2010, with a “map[ping of] independent claim 25 to the specification.”

SUMMARY OF INVENTION

The present invention is directed to a file managing method and apparatus for a digital apparatus. [Title].

In the way of background, “up-to-date digital cameras . . . support various operational modes, such as: still image capturing for image files (e.g. JPG, GIF, BMP etc.), motion picture capturing for motion picture files (e.g. AVI, MPG etc.), and recording for audio files (e.g. WAV, MP3 etc.). While such a device allows for flexibility in capturing different file types, often the device stores all of the files in a single folder. [Specification at [0006].] As a result, in order to access a desired file, a user has to navigate through the entire folder. [Id.] In order to store files in a well-classified manner, the present invention establishes folders according to different file types corresponding to different operational modes and stores files according to the file type into the different folders. [Id. at [0041]].

The foregoing may be implemented into an image capturing apparatus 30 as depicted in Fig. 5. [Id. at [0023]]. The image capturing apparatus 30 can be a digital camera or a digital camcorder. [Id.] The image capturing apparatus 30 includes an image capturing module 43 for receiving image signals and a recording module 45 for receiving audio signals. [Id. at [0024]]. The image capturing apparatus 30 further includes a control unit 46 for processing the image signals and the audio signals. [Id.] An operational mode button 42 switches the operational mode of the image capturing apparatus 30 between a typical picture mode, a motion picture mode, and a recording mode [Id. at [0029]].

A memory 48 stores image files, motion picture files, and audio files as selected by the operation mode button 42. [Id.] More particularly, once the operational mode button 42 has been used to select the operational mode of the image capturing apparatus 30, the controller 46

establishes a folder in the memory 48 according to the file type corresponding to the operational mode selected. [*Id.* at [0026-27].] As a result, if a typical picture mode is selected, the controller 46 establishes a folder for image files. [*Id.* at [0029]]. A folder for motion pictures or a folder for audio files is established if the motion picture mode or recording mode is selected respectively. [*Id.*] Files generated by the image capturing apparatus are then automatically classified and stored in the corresponding folders. [*Id.* at [0030]].

There are five independent claims currently pending: claims 1, 7, 25, 43, and 46. Claims 1, 7, and 43 are directed to methods for managing files while claims 35 and 46 are directed to digital apparatuses. The invention claimed by claims 1, 7, 25, 43, and 46.

Each of these claims is summarized below, with citations to corresponding portions of the specification and drawings as required by 37 C.F.R. § 41.37(c)(1)(v). These citations are provided to illustrate specific examples and embodiments of the recited claim language, and are not intended to limit the claims.

A. Claim 1

1. **(Previously Presented)** A file managing method comprising:
 - establishing a folder in a memory of a digital apparatus and responsive to a selection of an operational mode of the digital apparatus, the folder having a file type determined according to the selected operational mode;
 - capturing a file with the digital apparatus; and
 - storing the captured file in the memory of the digital apparatus according to its file type in the folder having the file type determined according to the selected operational mode.

The method of claim 1 begins with establishing a folder in a memory of a digital apparatus [Specification at [0027] and Fig. 7 at 102] which is responsive to the selection of an

operation mode of the digital apparatus [Specification at [0026]]. The folder has a file type determined according to the selected operational mode. [Specification at [0027]].

In the next steps of the method, the digital apparatus captures a file and then stores the captured file in the memory of the digital apparatus to the memory of the digital apparatus according to its file type in the folder having the file type determined according to the selected operational mode. [Specification at [0028] and Fig. 7 at 104].

B. Claim 7

7. **(Previously Presented)** A method for managing files in a digital apparatus, the method comprising:

determining an operational mode of the digital apparatus that has a plurality of operational modes, wherein the operational mode is associated with a file type;

capturing a file with the digital apparatus, wherein the file has the file type corresponding to the operational mode; and

storing the captured file in a folder in a memory of the digital apparatus, the folder corresponding to the file type of the captured file when data is captured by the digital apparatus.

The method of claim 7 begins by determining an operational mode of the digital apparatus that has a plurality of operational modes. [Fig. 7 at 100, Specification at [0026]]. The operational mode is associated with a file type. [Specification at [0029] and Fig. 8 at DC001-DC003 within box labeled “My Picture Files,” at DC004-DC005 within box labeled “My Motion Picture Files,” and at DC006-DC007 within box labeled “My Audio Files”].

In the next steps of the method, the digital apparatus captures a file and then stores the captured file in the memory of the digital apparatus to the memory of the digital apparatus corresponding to the file type of the captured file. [*Id.*].

C. Claim 25

25. **(Previously Presented)** A digital apparatus with a plurality of operational modes, the digital apparatus comprising:

a receiving module for capturing a file;

a control module for switching the plurality of operational modes of the digital apparatus to a particular operational mode;

a memory having a folder, the folder corresponding to a file type associated with the particular operational mode; and

a memory module for storing the file captured by the receiving module according to its file type to the folder in the memory having the file type.

In another embodiment, a digital apparatus with a plurality of operational modes [Specification at [0010] and Fig. 6 at 30] includes a receiving module for capturing a file [Specification at [0010], [0024] (“image capturing module 43”) and Fig. 6 at 43]. The digital apparatus also includes a control module for switching the plurality of operational modes of the digital apparatus to a particular operational mode [Specification at [0010], [0026] and Fig. 6 at 42]. The digital apparatus also includes a memory having a folder corresponding to the file type associated with the particular operational mode [Specification at [0024], [0027] and Fig. 6 at 48], and a memory module for storing the file captured by the receiving module according to its file type to the folder in the memory having the file type [Specification at [0010], [0030] (“the control module will automatically . . . store the files to the corresponding folders”) and Figure 6 at 46].

D. Claim 43

43. **(Previously Presented)** A file managing method for managing files in a digital apparatus, the method comprising:

providing a plurality of operational modes in the digital apparatus, each operational mode associated with a file type;

establishing folders in a memory of the digital apparatus, wherein each folder corresponds to a particular file type; and

providing a control module operative to store data collected in the particular operational mode in one of the folders having the particular file type that corresponds to the particular file type associated with the particular operational mode.

The method of claim 43 begins by providing a plurality of operational modes in the digital apparatus. [Fig. 7 at 100, Specification at [0026]]. The operational mode is associated with a file type. [Specification at [0029] and Fig. 8 at DC001-DC003 within box labeled “My Picture Files”; at DC004-DC005 within box labeled “My Motion Picture Files,” and at DC006-DC007 within box labeled “My Audio Files”].

In the next step of the method, a control module stores data collected in the particular operational mode in one of the folders. [*Id.*]

E. **Claim 46**

46. **(Previously Presented)** A digital apparatus comprising:

means for determining an operational mode of the digital apparatus, where the operational mode

means for capturing a file with an image capturing apparatus, the captured file having a file type associated with a selected operational mode of the digital apparatus;
and

means for storing the captured file in a folder in a memory, wherein the folder corresponds to the file type of the capture file.

In another embodiment, a digital apparatus [Specification at [0010] and Fig. 6 at 30] includes means for determining an operational mode of the digital apparatus [Specification at [0023]-[0042]]. The digital apparatus also includes a memory having a folder corresponding to

the file type associated with the particular operational mode, means for capturing a file with an imaging capturing apparatus, and means for storing the captured file in a folder in a member, wherein the folder corresponds to the file type of the capture file. [Specification at [0023]-[0042]].

CONCLUSION

In view of the foregoing, Applicant respectfully submits that the Appeal Brief of July 15, 2010 including this paper is compliant with 37 CFR 41.37 and requests that it be considered in due course.

Dated this 25th day of August, 2010.

Respectfully submitted,

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